# ANDOVER CONSERVATION COMMISSION MEETING MINUTES JULY 2, 2013

Town of Andover 36 Bartlet Street 3<sup>rd</sup> Floor Conference Room 7:45pm

#### **Conservation Members in Attendance:**

Chairman Donald Cooper, Commissioner Jon Honea, Commissioner Phil Sutherland, Commissioner Alix Driscoll, Commissioner Floyd Greenwood and Commissioner Kevin Porter. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

Prior to the opening of the schedule items Chairman Cooper thanked Commissioner Fran Fink for her service and time with the Commission and introduced Phil Sutherland who has returned to the Commission after a leave of absence.

# **SCHEDULED ITEMS:**

#### **26 Brundrett Avenue**

**Present in Interest: Alp Dibirdi**Staff Recommendation: Continue

Continued Public Meeting on the Request for Determination of Applicability filed by Alp Dibirdi to determine if the proposed installation of an above ground pool is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas updated the Commission on this project. The Commission has asked that the Applicant hire a wetland scientist to view the property and advise of his/her opinion. There was discussion as to relocating the pool, but due to the location of the septic system there is no other option for the location of the pool. The grading necessary may affect the wetland which is the issue before the Commission.

Mr. Dibirdi explained to the Commission that there will be an elevation of about 5 feet and Mr. Dibirdi will work with the landscapers to make sure there is no further extension into the wetland or any disturbance to the wetland.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to continue to July 16, 2013 for delineation to be done, it was seconded by Commissioner Driscoll and unanimously approved.

# **ACTION ITEMS:**

# 4 Newport Circle (Lot #1)

Present in Interest: Bill MacLeod

Staff Recommendation: Money escrowed for site monitor to inspect work, non-disturb bounds installed and find insignificant.

Consideration of significance by Patch Development, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, sec. 40 and/or the Andover Wetlands Protection By-Law at (Lot 1) 4 Newport Circle. Mr. MacLeod informed the Commission that the proposed work is outside the 100 foot buffer and less clearing than allowed in the original Order of Conditions. The lot is subject to the Order of Conditions under the WPA and By-Law for Newport Circle. Under the Order of Conditions, this lot requires a Notice of Intent filing. The Applicant asserts that the proposed work is not jurisdictional and has provided restrictive deed language to be recorded. The restrictive deed language mirrors the language in the Order of Conditions. The applicant will provide a copy of the recorded Deed for the file. The non-disturb markers shown on the plan will be installed. Staff will ask site monitor to review work while performing site visit under the Order of Condition issued for Newport Circle at no additional cost to the Applicant.

Commissioner Greenwood made a Motion to find insignificant on the condition that notice be given to the site monitor, Markus Pinney, before the layout for the foundation work begins, it was seconded by Commissioner Porter and unanimously approved.

#### 29 Boutwell Road

Schedule Site Visit for Commission. Mr. Douglas informed the Commission that the Applicant has requested their application before the Planning Board be withdrawn, which means that the Applicant has not applied for all necessary applications for this project.

Site Visit is scheduled for July 13, 2013 at 8:00am. Staff to advise Applicant of the time and date.

#### 18 River Road

Staff Recommendation: Issue Order of Conditions

Issuance of Order of Conditions. Monumentation to be added to the Plan. Commissioner Porter made a Motion to issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

# **CONSENT AGENDA:**

#### 92 Argilla Road

Issuance of a Certificate of Compliance.

# 32 Stoneybrook Circle

Issuance of a Certificate of Compliance.

#### **Minutes**

Approval of Minutes from July 2, 2013 Meeting.

### LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE

# 2 Hitchcock Farm Road

Agent Cleary informed the Commission of the Appeal to DEP received. The site visit is scheduled for July 16, 2013.

#### **Encroachment on Conservation Land**

Amend land use regulations to prohibit encroachments.

Commissioner Greenwood made a Motion to authorize adoption of amendment to regulations; it was seconded by Commissioner Driscoll and unanimously approved.

# 221 Highland Road

Agent Cleary informed the Commission that an amended Appeal has been filed with Superior Court to include the 4<sup>th</sup> Enforcement Order and issuance of fines.

# **Crystal Circle Subdivision**

# **Present in Interest: Carol McGravey**

Vote to accept pedestrian access.

Commissioner Greenwood made a Motion to accept the pedestrian access at Crystal Circle and sign the Grant; it was seconded by Commissioner Driscoll and unanimously approved.

#### Land off Pettengill Road

# Present in Interest: Carol McGravey, Mike Timko and Andrew Caffrey

Vote to accept Conservation Restriction from AVIS for land off Pettengill Road.

Commissioner Greenwood made a Motion to accept the Conservation Restriction from AVIS for property located off Pettengill Road, it was seconded by Commissioner Driscoll and unanimously approved.

# **Reichhold Property**

Vote to consider naming of Reichhold Property as Ballardvale Springs.

Commissioner Driscoll made a Motion to name the Reichhold Property Ballardvale Springs if and when we acquire the property; it was seconded by Commissioner Greenwood and unanimously approved.

#### **276 North Main Street**

Vote to ratify Emergency Certification issued.

Commissioner Porter made a Motion to ratify the Emergency Certification issued; it was seconded by Commissioner Driscoll and unanimously approved.

#### **Overseer Nomination**

Commissioner Porter recommended the appointment of Ken Meisner as the overseer for the Boloian Reservation.

Commissioner Porter made a Motion to appoint Ken Meisner as an overseer; it was seconded by Commissioner Driscoll and unanimously approved.

#### 247 High Plain Road

Vote to issue Emergency Certification for failed railroad culvert.

Commissioner Greenwood made a Motion to issue the Emergency Certification; it was seconded by Commissioner Honea and unanimously approved.

The next meeting will be held July 16, 2013 at 7:45pm.

The meeting was adjourned at 8:55pm by Motion of Commissioner Honea and seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by,

Lynn Viselli, Recording Secretary